IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7842 OF 2004

1. Yusuf Gazi Kabaria and ors. .. Petitioners

Vs

1. Vijayaraj Premraj Purohit & ors. .. Respondents

Mr. Girishkumar V. Pandya, for the petitioners.

Mr S.R.Mishra, for respodnent nos 3 to 9.

CORAM : D.B.BHOSALE,J.

DATE : 25th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 15.6.2004 passed in Chamber Summons No.1560 of 2003 in S.C.Suit No. 2032 of 2001, by which the prayer of the petitioners for adding them as party defendants, has been rejected. The suit is filed by respondent nos 1 and 2 against the remaining respondents for possession. The petitioners have also filed S.C.Suit No. 5656 of 2003 against the respondents claiming some rights in the property. In view thereof, the application of the petitioners has been rejected holding that they are not necessary party in the instant proceedings. I perused the order. Keeping that in view, I see no reason to interfere with the said order since I am satisfied that

the petitioners are not necessary and proper parties in the instant suit. It is open for the petitioners to obtain appropriate reliefs in their suit filed against all the respondents. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)